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Attorneys for Plaintiffs MACY'S, INC. and  
MACYS.COM, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

MACY'S INC and MACY'S.COM, INC.,

Plaintiffs,

v.

STRATEGIC MARKS, LLC,

Defendant.

STRATEGIC MARKS, LLC,

Counter-Claimant,

v.

CASE NO. 3:11-cv-06198-SC

**JOINT STIPULATION AND REQUEST  
TO RESCHEDULE PRETRIAL  
CONFERENCE AND ~~[PROPOSED]~~  
ORDER ON JOINT STIPULATION AND  
REQUEST TO RESCHEDULE  
PRETRIAL CONFERENCE**

THE HONORABLE SAMUEL CONTI

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**JOINT STIP AND REQUEST TO RESCHEDULE PRETRIAL CONFERENCE AND [PROPOSED]  
ORDER ON JOINT STIPULATION TO RESCHEDULE PRETRIAL CONFERENCE**  
Case No. 3:11-cv-06198-SC

MACY'S INC and MACY'S.COM, INC.,  
Counter-Defendants.

This stipulation and request is made and entered into by and among plaintiffs Macy's, Inc. and Macys.com, Inc. (collectively, "Plaintiffs" or "Macy's") and defendant Strategic Marks, LLC ("Defendant").

WHEREAS, pursuant to this Court's Order dated July 1, 2013, the pretrial conference was scheduled to take place on December 20, 2013 at 10 a.m. (ECF No. 112);

WHEREAS, on December 10, 2013 the parties received notice from the Court advancing the pretrial conference to December 17, 2013 at 10 a.m. (ECF No. 113);

WHEREAS, the date of the rescheduled pretrial conference presents insurmountable difficulties to Macy's, in that its lead trial counsel is not available to attend the pretrial conference on December 17, 2013;

WHEREAS, counsel for all parties are available to attend a pretrial conference on December 16, 2013;

WHEREAS, Macy's has filed seven motions *in limine*, and pursuant to the Court's Jury Trial Preparation Order (ECF No. 100) oppositions to motions *in limine* are due to be filed and served no later than five days prior to the pretrial conference (originally on December 16, 2013 in accordance with a December 20, 2013 pretrial conference date);

WHEREAS, the parties agree that there is good cause to reschedule the pretrial conference date to December 16, 2013, so long as the date for filing and serving oppositions to motions *in limine* is extended to account for drafting time lost due to the advancement of the pretrial conference;

WHEREAS, the parties jointly request the Court to reschedule the pretrial conference to December 16, 2013 and extend the date for filing and serving oppositions to motions *in limine* to December 20, 2013;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among all parties, and the Court's approval as to the following is hereby requested:

- That the pretrial conference in this case, currently scheduled to take place on December 17, 2013 at 10 a.m., be rescheduled to December 16, 2013 at 10 a.m.
- That the deadline for filing and serving oppositions to motions *in limine* be extended to December 20, 2013.
- That argument on the motions *in limine* not be heard at the December 16, 2013 pretrial conference.
- That the provisions of the Court's Jury Trial Preparation Order dated May 31, 2013 (ECF No. 100) remain in effect in all other respects.

Concurrence in the filing of this document has been obtained by Benjamin Ashurov from each of the other Signatories, which shall serve in lieu of their signatures on the e-filed document.

DATED: December 11, 2013.

AMSTER, ROTHSTEIN &amp; EBENSTEIN LLP

By /s/  
ANTHONY F. LO CICERO  
Attorneys for Plaintiffs  
MACY'S, INC. AND MACYS.COM, INC.

DATED: December 11, 2013.

KB ASH LAW GROUP

By /s/  
BENJAMIN ASHUROV  
Attorneys for Defendant  
STRATEGIC MARKS, LLC

**~~PROPOSED~~ ORDER ON JOINT STIPULATION TO RESCHEDULE  
PRETRIAL CONFERENCE**

Having duly considered the Joint Stipulation to Reschedule Pretrial Conference filed by the parties to this action on December 11, 2013, and good cause showing:

IT IS HEREBY ORDERED THAT for all the reasons set forth in the foregoing Joint Stipulation and Request to Reschedule Pretrial Conference, the Clerk's December 10, 2013 Notice Advancing Pretrial Conference (ECF No. 113) be AMENDED as follows:

1. The pretrial conference in this case, currently scheduled to take place on December 17, 2013 at 10 a.m., is rescheduled to December 16, 2013 at 10 a.m.
2. The deadline for filing and serving oppositions to motions *in limine* is extended to December 20, 2013.
3. Motions *in limine* shall not be heard at the December 16, 2013 pretrial conference.
4. The provisions of the Court's Jury Trial Preparation Order dated May 31, 2013 (ECF No. 100) shall remain in effect in all other respects.

**IT IS SO ORDERED.**



The Honorable Samuel Conti  
United States District Judge

Dated: December 11, 2013